

**In The High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-33398-2020 (O&M)  
Date of Decision:- 1.9.2021

Balraj ..... Petitioner

Versus

State of Haryana ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Rahul Jaswal, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,  
assisted by PSI Satbir Singh.

*(Proceedings conducted through video conferencing)*

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 73, dated 29.7.2020, Police Station Women, Panipat, under Section 376(D) of IPC (later on Section 376(D) stands deleted and Sections 384, 34, 120-B IPC have been added)
2. A few facts necessary to notice are that initially petitioner's wife namely Neelam, lodged FIR No. 73, dated 29.7.2020, against three persons including one police official namely Surrender Dahiya, Ghanshyam Gupta and Sanjay Rohilla alleging that she had been raped by the said three persons. A Special Investigation Team was

constituted for carrying out the investigation in the matter and on the basis of a report of SIT, the aforesaid FIR had been cancelled and a cross FIR has been lodged against the prosecutrix Neelam, her husband Balraj (petitioner) and other accused on the allegation that they all had conspired together and had lodged a false FIR against three persons with the allegation of rape for the purpose of extorting money from them and that in fact an amount of Rs.38 lakhs was extorted.

3. Learned counsel for the petitioner has submitted that the police has given a twist to the allegations levelled by the petitioner's wife as one of the accused happens to be employed in Haryana Police i.e. C. Surrender Dahiya. Learned counsel has further submitted that in any case, since the petitioner has already joined investigation, his custodial interrogation is not warranted as nothing is to be recovered from him.
4. Opposing the petition, learned State counsel has submitted that in view of the gravity of the allegations wherein the petitioner's wife chose to level false allegations against three persons for the purpose of extorting money, no case for grant of bail is made out. Learned State counsel has further submitted that the falsity of the allegations would be evident from the fact that subsequently the petitioner's wife moved an application that she does not wish to take any action against the accused nominated by her as her rapists.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the nature of allegations and the fact that the petitioner has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 26.10.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

**1.9.2021**

Mohan

**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No